
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

DEKYNA NELSON,
TDCJ 687262,

Plaintiff,

versus

OFFICER LEWIS,

Defendant.

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CIVIL ACTION H-07-3774

Opinion on Dismissal

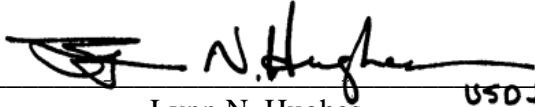
Dekyna Nelson filed a complaint. He is in the state prison. Nelson has not paid the filing fee or moved to proceed as a pauper. Given his abuse of the federal courts, this court will assume he is proceeding as a pauper and dismiss this case under 28 U.S.C. § 1915(g).

Nelson has sued more than 50 other times in the federal district courts in Texas. The district court dismissed four of these lawsuits as frivolous or for failure to state a claim. *See Nelson v. Polley, et al.*, 1:99cv503 (E.D. Tex.); *Nelson v. Raga, et al.*, H:01cv1203 (S.D. Tex.); *Nelson v. Johnson, et al.*, H:00cv4568 (S.D. Tex.); and *Nelson v. University of Texas, et al.*, H:03cv5576 (S.D. Tex.). When Nelson sued, he was confined in prison or jail. These other cases were dismissed before Nelson filed this case.

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which were dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Nelson's papers do not show such danger.

This complaint is dismissed. 28 U.S.C. § 1915(g).

Signed November 15, 2007, at Houston, Texas.



Lynn N. Hughes
United States District Judge